ORIGINAL

Page 1

UNITED STATES DISTRICT COURT DISTRICT OF DELAWRE

In re: TWA, INC. POST CONFIRMATION ESTATE)	Chapter 11
	í	USBC -Case No.01-56-(PJW)
Debtors)	(Jointly Administered)
)	Appeal -No.08-11
)	
In Nature of Personal Injury (Suit) of Certain Claims		Case No.1-08-cv.180(SLR)
of "Disability Benefits under (PBGC) in ERISA Plan of	(, ,
Herbert McMillian,)	
(Last four SS#:8692 - Employee Creditor - Appellant)	
-against-)	
)	Affidavit of Good Faith in
Trans World Airline, et. al, <u>Debtors - Appellees</u>)	Support for Jury Trial -
(NYS Tax Id#:526976) - Employer)	Reinstated to Reopen
Hartford Insurance Group Inc. <u>Insurer</u> - <u>Carrier</u>)	:
(Case No.302FC24899) and Worker;'s Compensation)	
(No,07954183) and unknown Debtors - Appellees	_)	

Jurisdiction Federal Questions:

State of New York)County of Queens) ss.:

The undersigned as Pro Se, confirm that Affidavit of good faith in support the foregoing statements of law or fact are true under the penalties of perjury in lieu thereof.

- (1). I, am the Pro Se, for Creditor-Appellant in the above-captioned-entitled "jury action".
- (2). I, am requesting a REOPENING from questions Judge's, "prejudice" Order's of disputed material issues of evidentiary, without investigation of unsupported finding or conclusion of law, concerning of enumerative "contested matter proceeding", entered in the Office Clerk of this Court on 12 day May 2008. see; code 28 USC- 455. and reopening, governed see Rule 5010; and relief see Rule 9024 is contested matters, reference see Rule 9014 and underlying evidence see Rule 9017 and 9016 of Bankr. P.
- (3). The *conspiring*, James O'Neill, @ pszyj. and Michael Lichty, and Jill Farmer, counsels of record, to *engage* in abusive reaffirmation of debts, and materially fraudulent *falsify*, statements in bankruptcy schedules of *docketing* confirmation plans, for TWA, Inc, Post Confirmation Estate, Debtors, and *ignore* undersigned, **objections** and they knowing, repeatedly, fail and refuse to answer *or* appear otherwise defend, **also** *dispute* in USBC--related to My Docket Items #: 5904, 5919?, 5935 and 5943 and two served lawful SUBPOENA, issued by the Clerk of -above- Court on April 17, 2008; (before this court closing case) *all debtors -estates, counsels, continuing to committing, **crimes**, **fraud**, **on the courts**.

- (a). the REOPENING must be held. At which testimony or disposition of witnesses at *de novo* Trial by *Successor* Judge, by Jury Trial of Right -properly demanded be reinstated, requested by undersigned in a jurisdiction district court, after certifying familiarity with proof of official record in a civil case. see Rule 63; related see Rule 43(a) or 43(e) and Rule 45 and reference Rule 38(b) of F.R. Civ. P. governed by seventh amendment. *see; below (date, time, and place, is direction of court order, Set Aside default for Trial by Jury in nature. see Rule 55(b)(2) of F.R. Civ.P. or Rule 59(a) or 60((a) (b)(3).
- (b) in Nature of the pending Personal Injury [Suit] of Certain Claims of "Disability Benefits under (PBGC) by ERISA, Plan including under New York State Worker's Compensation Act of the undersigned arise in "United States Trustee Official Station" Jurisdiction of Second -Judicial United States District Court-(NYSD), under 28 USC-581,
- (c) the issue unresolved and unpaid of Amend Proof of Claim -Permitted Claim #:1006824 and Docket #:5853-"uncontested matter" at (BMC) surety holder agent bond- or collateral of guarantee post annuity contract, addendum amount 25,000,000.00 (million dollars) having been entered and filed in accordance Bankr.P. Rules 3001(a)(b) (c) and 2002(g)(j)-U.S. Attorney and/or Trial, by Jury. see below paragraph (d)(3).

Restoration of Benefits [11 USC-1114 related Title VI -608]

- (d). the issues or *full future* claims both legal and equitable remaining unresolved and unpaid governed provision in Pension Benefits Guaranty Corporation by Employment Retirement Income Security Act in 1974 to protect retirement income (ERISA, claims, on the issues for equitable monetary liability and damages and F.R.C.P.8 and 29 USC-1301 and 1132 and 11 USC-1114(h) and *previous* auto. Stay under 11 USC-362 (a)(b)(1)(d).
- (3) the other issues *full future* equitable remaining unsolved and unpaid of insurance benefits to individual undersigned *non-contract former* retired employee, under, 11 USC- 1114(a)(e)(1); A (f)(1); A (k). see, permanent Title VI-- section 608 (3)(a) of Public Law 99-591 and Retiree Benefits Bankruptcy Protection Act of 1988 (debtors and "trustee" shall timely back- pay any or all retiree benefits that own to undersigned creditor's, and obligor debtors, insurer, "trustee", shall assures that all affected parties treated fairly and equitably and *all* agreements among joined *third-parties in interest*.

The undersigned, inspection request is authorized under F.R.Civ.P 34 and related Rule 26 -Discovery and Rule 27 -and Taking of Testimony of witnesses Rule 43(e) or Deposition and **Rule 45** and related Rule 9014((d) and 9017 of Bankr. Proc. see; (attached) two(2) **Subpoena** issued as Exhibit C and D.

The relevant documents at disputed issues are not protected from discovery by attorney-client privilege since all debtors - estate or its recipients, - counsel of record, trustee's, are not, and have never been in an attorney-client relationship.

Page 3 of 15

The undersigned relief requests is authorized under F..R.Civ. P..37(d) and 29 USC-1131 and 29 USC-1132.

The Clerk or Judge of this Court shall -notify - United States Attorney General, by Local United States Attorney for Delaware underlying to United States Trustee (system fund) of the above-caption -entitled action. under (28 USC-586) and 589(a) and 589(b) and joined U.S.Bankruptcy Clerk and U.S. District Clerk shall transmitted copies, entire Proof of Official Record: under Rule 8007 and Rule 8016(a)(b)-of Bankr.P. and Rule 44 of F.R.Civ.P.

Duties; Supervision by, United States Attorney General

The undersigned, further respectfully requests, pursuant to 28 USC- 586(a)(2) (B) (F) and 589(a) and 589(b) in criminal investigation and criminal prosecution of committed **Bankruptcy Fraud** based on civil case number USBC -01-56 (PJW) and USDC- 01-180(SLR) in the respective court's and appointed judge's case's of where was entered and filed in respective office of the clerk of court of record of evidentiary [self] Authentication or Identification, under, see Rule 901 and 902 of Fed. Rules of Evidence.

*Bankruptcy Fraud and Crimes and `Investigation and Related Provision

The entity *debtors, counsels, its recipients lists of 2002 or 4001 of Bankruptcy Procedure, having knowing willfully committed of the following Bankruptcy Fraud and Crimes Definition --18 USC-- section 152 through 158 and 18 USC-- section 1519 -- Bankruptcy Investigation, any such offense has been committed present the disputed matters, violations, to the Grand Jury 18 USC- section 3057(a)(b). in nature.

>(A "trustee" Obligation to report crimes, joined violations, offenses, illegal acts to United States Attorney) also;

>(A "bankruptcy judge" or "district judge", assigned to a case, shall reports an attorney's for investigation of perjury), and other joined violations and offenses of illegal acts.

PRAYER for REMEDY and RELIEF --- JURY TRIAL DEMAND -DE NOVO

The undersigned, Creditor, requests - Judgment - Interest -against- all - Debtors - Estates:

- 1. For liability and damages for personal injuries on the job, under --Title IV -- Pension Benefit Guaranty Corporation by Employee Retirement Income Security Act in 1974 to protect retiree income, in an amount to be determined by the evidence at trial, as is due, onward all triable issues, must be submitted to a jury for resolution. 38(b) of F.R.Civ. P.
- 2. Payments of insurance benefits to retired employees. under 11 USC- 1114(a)(e)(1) and Title -VI Permanent section 608 section 1 through 5 of Public Law -99-591.
- 3 For Post Interest on Judgment as allow by law. under 28 USC- 1961
- 4. For costs of above-caption-entitled "Jury Action" under Rule 38(b) of F.R.Civ.P.
- 5. For all other remedy and legal and equitable, issues, claims, relief that is just and right.

Page 4 **Dated:** May 27 2008 Herbert McMillian, Pro Se, For Creditor - Appellant / Enclosure: (attached) 179-17 Anderson Road **Exhibits** St. Albans, NY 11434 (718) 723-4693 SWORN before me and execution: on 28 day of May 2008 Herbert McMillian, MICHAEL E. PEARSON Notary Public, State of New York No. 01PE6134402 alified in Queens County Commission Expires October 3rd, 2009 Entry, MONEY JUDGMENT - INTEREST: -- for jury damages -- [28 USC-1961 to 1963] Amount in amend-proof of claims -uncontested -notice- \$25,000,000,000 (million dollars). Claims #:1006824 -- Docket #:5853 at (BMC) - Agent. for TWA, Inc. Post-Judgment -Interest-% allow by Law Taxing Costs or Costs by statute Clerk of Court, by Deputy Clerk x Witness: by Judge of Court x Warning: Making, Offering, a Falsify Written Statements of Documents, Records for Filing is a Crimes, Offences, Violations of Law (18- USC-152 to 158 et seq.) and related 18-USC - 1001 et seq.) Witnesses Via: Personal Services Via: Personal Service To: Sue L. Robinson, Chief Judge Peter J. Walsh, Appointed Judge (recusal) United States District Court United States Bankruptcy Court 844 King Street Court Room 6B 824 Market Street Wilmington, DE 19801 Wilmington, DE 19899 To parties, from Order, closing of cases and names of attorney of record as follows; Attorney's /DE see; Local Bar Rule 83.5 Via: Certified Mail:RRR Via: Certified Mail: RRR, Michael Lichty, Plan Administrator James O'Neill, (DE Bar No 4042) and @ Pachulski, Stang, Ziehl, Jones P,C. Jill M. Farmer, General Counsel 901 North Market Street TWA, Inc. Post Confirmation Estate Wilmington, Delaware, 19899 P.O. Box 12247 Kansas City, MO 64152 Co-Counsel for the Estate TWA, Inc. Non-Contract Retiree Employee(s) Benefits; Under PBGC by ERISA.

Page 5 **Notify** Via: Certificate of Mailing Via: Certificate of Mailing Colm Connolly, United States Attorney General, United States Attorney / DE designate, 1007 North Orange Street Wilmington, DE 19899 Executive Office- U.S Trustees -Panel c/o- local- United States Trustee's Office Criminal Enforcement Unit 844 King Street **Suite 2313** Wilmington DE 19801 20 Massachusetts Ave. Suite 8000 Washington, D,C. 20530 Attn: Mark s Kenney, Esq.

FOR THE DISTRICT OF DELAWARE

In re:)
TWA INC. POST CONFIRMATION ESTATE,) Bank. No. 01-56(PJW)
Debtor.)
HERBERT MCMILLIAN,)
Appellant,)
v.) Civ. No. 08-180-SLR
TRANS WORLD AIRLINES, INC., et al.,)
Appellees.)

ORDER

At Wilmington this 12th day of May, 2008, having reviewed the notice of appeal filed by appellant Herbert McMillian;

IT IS ORDERED that said appeal is dismissed, for the reasons that follow:

- Appellant, a pro se litigant, has neither paid the filing fee nor filed the appropriate motion to proceed in forma pauperis.
- 2. Appellant is not contesting the orders of the bankruptcy court attached to his notice of appeal, but is yet again seeking "to compel the respective part[ies] Trans

Exhibit ~ A~

Date 5-13-08

Docket # 5955

¹A December 12, 2007 order extending the term of the estate and a December 13, 2007 order granting relief sought in the forty-fifth substantive omnibus objection to claims. With respect to the latter order, the bankruptcy court notes that no objection to the relief sought in the omnibus objection was filed, the claim having been filed by

World Airlines Inc. ("TWA") and Hartford Insurance Group ("HIG") and U.S. Trustee's . .

[to] Reinstate, Retroactive and Continue past and future back Payments of the reinsurance benefits to retiree Herbert McMillian, as Field Manager employee Individual. . . ." (D. I. 1)

3. Appellant has filed two other appeals in connection with this estate, <u>McMillian v. Transworld Airlines</u>, Civ. No. 02-020-GMS (D. Del.)² and <u>In re McMillian</u>, Civ. No. 06-44 (D. Del.).³ His appeal of the two identified orders, which have nothing to do with his complaint, is frivolous and an abuse of the judicial process.

United States District Judge

Orbital No. 1 Ltd.

²McMillian's pro se motion to withdraw the reference was denied on July 17, 2002 and the appeal dismissed for lack of appellate jurisdiction on April 14, 2003. (D.I. 13,18)

³McMillian filed a pro se appeal from the bankruptcy court's order entered on November 22, 2005. (D.I. 1) The court dismissed the action for lack of subject matter jurisdiction. (D.I. 14) McMillian's appeal to the Third Circuit was denied as frivolous pursuant to § 1915(e)(2)(B). (D.I. 26) According to the Court:

McMillian filed proofs of claim in the Chapter 11 bankruptcy of Trans World Airlines, Inc. The bankruptcy court disallowed and expunged those claims in 2003, and McMillian does not appear to have appealed from that order. Instead, he continued to file various documents in the bankruptcy court that did not pertain to any pending claim. Finally, on November 22, 2005, the bankruptcy court entered an order denying relief on McMillian's filings and directing him to refrain from filing additional pleadings in that proceeding. (D.I. 26-2)

IN ID: ZWIA (302) 652-4100

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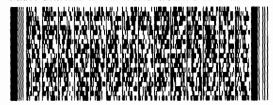
WILMINGTON , DE 19801 UNITED STATES US

TO MR HERBERT MCMILLIAN

179-17 ANDERSON ROAD

ST. ALBANS, NY 11412

Ref: 85400.001



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A PROFESSIONAL CORPORATION 919 North Market Street, 16th Floor P.O. Box 8705 Wilmington, DE 19899-8705

TO

Via Overnight Delivery (Herbert McMillian) Mr. Herbert McMillian 179-17 Anderson Road St. Albans, NY 11434

(kf) 85400.001

UNITED STATES BANKRUPTCY COURT DISTRICT OF DELAWARE

In re:)	Chapt	ter 1	1	
TWA INC.	POST	CONFIRMATION) }	Case	Nos.	01-00056	(PJW)
,		Debtor.)				

RECUSAL AND TRANSFER

The undersigned hereby recuses himself from hearing the matters relating to docket items 5521, 5550 and 5586 in this case and those matters are hereby transferred to the Honorable Mary F. Walrath for hearing and disposition.

Peter J. Walsh

United States Bankruptcy Judge

Dated: October 6, 2005

ExhibH~B~

559H 55

Issued by the

UNITED STATES DISTRICT COURT

District of Delaware

Herbert McMillian, -Plaintiff (Last four SS #8692) -Employee V. Trans World Airlines, IncDefendants' (NYS Tax Id #526-976) -Employer (Plan TO: Michael J.Lichty, Administrator), For TWA Inc.Post Confirmation Estate X YOU ARE COMMANDED to appear in the United States Distritestify in the above case. On Court Official Record	ct court at the place, date, and time specified below to
PLACE OF TESTIMONY - at Trial by Jury (Fed. Evid. 1 United States District Court / of DE 844 King Street Wilmington, DE 19801	O1;801;902). COURTROOM _6B Hon:Sue l. Robinson DATE AND TIME May 20,2008 at 2:00 P.M.
☐ YOU ARE COMMANDED to appear at the place, date, and time in the above case.	specified below to testify at the taking of a deposition
PLACE OF DEPOSITION	DATE AND TIME
YOU ARE COMMANDED to produce and permit inspection and place, date, and time specified below (list documents or objects) Contract-Retirement information Package (by ("the ERISA") plan and (ii) Hartford FC-24899 / W.C.B.No.0795-4183 / Date on begin and (iii).Asset Purchase Agreement	(i).Trans World Airlines-Non- Pamphlet)under ("the PBGC") plan; Insurance Group, Inc.Case No.302- Job Injury - 8-30-79 of "disability"
PLACE Same as above	DATE AND TIME Same as above
☐ YOU ARE COMMANDED to permit inspection of the following	
PREMISES	DATE AND TIME
Any organization not a party to this suit that is subpoenaed for the takin directors, or managing agents, or other persons who consent to testify on its matters on which the person wil! testify. Federal Rule of Civil Procedure 30	behalf, and may set forth, for each person designated, the $O(b)(6)$.
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAIR	NTIFF OR DEFENDANT) DATE 4/17/08
ISSUING OFFICER'S AME, ADDRESS AND PHONE NUMBER	

Jurisdiction: Federal Questions (See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page) Class Action"

'If action is pending in district other than district of issuance, state district under case number 212 -Docket 946040 U.S.Court of Appeals -2nd-Circuit / Dixon, and all other similary situated -Plaintiff and NYS -v-Shalala, U.S. of DH&H Services, Defendants.

Nature, Personal Injury, Claims arise, of "DISABILITY" Benefits Plans.

Issued by the

UNITED STATES DISTRICT COUR	KI
District of Delaware Herbert McMillian, -Plaintiff	
47 4 6 GG #0602\ T-1	N A CIVIL CASE
V. "JURY DEMAN	ID - PLAINTIFF"
Trans World Airlines, IncDefendants'	
Bankruptcy	08-180(SLR) Case No.01-56(PJW) Ap-No.08-11
For TWA Inc, Post Confirmation Estate XX YOU ARE COMMANDED to appear in the United States District court at the place	e, date, and time specified below to
testify in the above case. On Court Official Record(28 USC-1	731 through 1739.
PLACE OF TESTIMONY - at Trial by Jury (Fed. Evid. 101;801;902)	
United States District Court / DE	Hon:Sue L Robinson
844 King Street Wilmington, DE, 19801	DATE AND TIME
withington, be, 19001	May 20,2008 at 2:00 P.M.
YOU ARE COMMANDED to appear at the place, date, and time specified below to in the above case.	testify at the taking of a deposition
PLACE OF DEPOSITION	DATE AND TIME
 YOU ARE COMMANDED to produce and permit inspection and copying of the fol place, date, and time specified below (list documents or objects): By answering (i) TWA-non-Contract-Retirement (Pamphlet) Under ("In in 1974 to protect retirement income by 29 / Using 1974 to protect retirement (No. 0795-4183 / IS 8-3079 of "disability begin" / and (iii) Asset Pure 1974 for the product of the second return of the second	ng Affidavit in relating; PBGC") by ("ERISA") plans. SC-1301 and 1132 Date on Job Injury //
PLACE	DATE AND TIME
Same as above	Same as above
☐ YOU ARE COMMANDED to permit inspection of the following premises at the d	ate and time specified below.
PREMISES	DATE AND TIME
Any organization not a party to this suit that is subpoenaed for the taking of a deposition shadirectors, or managing agents, or other persons who consent to testify on its behalf, and may set matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).	
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT	1 DATE 4/17/07
ISSUING OFFICER'S NAME. ADDRESS AND PHONE NUMBER	7 / 2
(See Federal Rule of Civil Procedure 45 (c). (d), and (e), on next page)	<u>15</u>
Jurisdiction:Federal Questions	"Class Action"
1 Haction is pending in district other than district of issuance, state district under case number 2.1.2. Dock of	94_6040 II & Court of

Appeals-2nd-Curcuit / Dixon, and all other similary situated-Plaintiff and NYS -v- Shalala, U.S. of DH&H Services, Defendants.
Nature, Personal Injury, Claims arise, of "DISABILITY" Benefits Plans.

UNITED STATES BANKRUPTCY COURT - FOR DISTRICT OF DELAWARE		U.S. TRUSTEE PANEL 28 USC-586 to 589(b)
In re: TWA, POST CONFIRMATION ESTATE)	
Debtors.)	
	_)	
In a Pending Personal Injury [Suit] of all claims)	Chapter 11
"disability" benefits plans, PBGC,in ERISA of)	Docket No.01-56(PJW)
Herbert McMillian,)	(Jointly Administered)
Creditor / Appellant)	
vs.)	"Jury" Promptly Demanded
)	(USC - Bankr. P. Rule 9015(a))
Trans World Airlines, Inc. et al,.)	
)	
Hartford Insurance Group,Inc.)	
)	
Defaulting Debtors / Appellees)	
	_)	

TO: THE CLERK OF COURT AND APPOINTED JUDGE OF COURT OF RECORD.

*NOTICE OF APPEARANCE

PLEASE TAKE NOTICE, that I, undersigned pro Se, appear for Herbert McMillian, as Creditor / Appellant on Record) of the above - captioned - entitled action, forty sixth - Omnibus Hearing is scheduled for December 13, 2007 at 9:30 a.m. in Relating to (the "Creditor") Second Response and Objection Motion, filed Docket Item No. 5904. (with *Proof* of Certificate of Service).

Status: * TWA, Inc. debtor and debtor /estate in possession, its recipients, and counsels on record; and reinsurance and U.S. Trustee, all parties in interest, failure to filed any admission and/or objection; an "Declaration" - A "Statement" pursuant to Federal Evidence Rule 801 and 902 and 901. and 28 USC-1746.

Dated: December 13, 2007. Filed in Good Faith, X Herbert Mc Mellian Herbert McMillian, Pro Se for Creditor / Appellant 179-17 Anderson Road St. Albans, NY 11434 (718) 723-4693

Exhibit ~ E~

^{*} Appearance failure of ... Records kept by clerk by 79- and Default- 55(b) and 77(d) of and Deposition 37(d) subsection (b) and (c) of Fed. R. Civ.P. and 29 USC-1131 and 1132 and 1301 et seq. and 11 USC-1114 et seq.

UNITED STATES BANKRUPTCY COURT -FOR DISTRICT OF DELAWARE

Referral to: U.S. TRUSTEE PANEL 28 USC-586 to 589(b)

In re: TWA INC. POST CONFIRMATION ESTATE	(
Debtors.)	
	_)	
In a Pending Personal Injury [Suit] of all claims)	Chapter 11
"disability" benefits plans, PBGC,in ERISA of)	Docket No.01-56(PJW)
Herbert McMillian,)	(Jointly Administered)
Individual Creditor's)	
vs.)	"Jury" Promptly Demanded
)	(USC - Bankr. P. Rule 9015(a))
Trans World Airlines, Inc. et al,.)	(FedR.Civ.P.38(b)).
)	
Hartford Insurance Group,Inc.)	
)	
Defaulting Debtors / Estates / Recipients)	
	_)	

Document 6

NOTICE OF APPEARANCE

TO: THE CLERK OF COURT AND APPOINTED JUDGE OF COURT OF RECORD.

PLEASE TAKE NOTICE, that the undersigned as Pro Se, appear for the individual CREDITOR'S, in the above - captioned - entitled Contested Matters proceeding case and on disputed material of factual issues thereof; for scheduled-Omnibus-Hearing-April 17, 2008 at 9:30 a.m. in the-above-Court.

In relating to undersigned - creditor's, Filed - Indexing - Docket Items #:5935 and Docket Items #:5943. - <u>Uncontested</u> -. of <u>Official Record</u>.

Dated: April 17, 2008.

Filed in Good Faith,

Appearance -by,

X Result ME Mullean
Herbert McMillian,

Pro Se for Individual Creditor's of Record.

179- 17 Anderson Road St. Albans, NY 11434

(718) 723-4693

Appearance -by, James ,O'Neill - Counsel of Record for Defaulting TWA Inc. Post Confirmation Estate / Debtor and its absent 2002 Recipients

Exhibit ~ Fr

CERTIFICATE OF SERVICE BY UNDERSIGNED-PRO SE

- I, Herbert McMillian, verify, that undersigned - pro Se - he Creditor, in this "Jury Action" served or cause to had served of these evidentiary documents with -noticeand a true copy's (attached) was made on 28 day of May 2008.
- 1. Affidavit of Good Faith in Support for Jury Trial Reinstated to Reopen 2. Exhibits A to F,

upon the following identified parties in interest the manner indicated: (as required by Fed.R.Civ.P 5(b)(1).

Method of Service: (Check Mark) [x] U.S. Mail or [] Fax [x] Personal [] other

Sue L. Robinson, Chief Judge and United States District Court 844 King Street Wilmington DE 19801

James E, O'Neill, Esq. Pachulski, Stang , Ziehl, & Jones LLP 919 North Market Street Wilmington, DE 19899 TWA, Inc. Its List of Recipients

Mark S. Kenney, Esq. United States Trustee's - Panel Department of Justice 844 King Street Wilmington, DE 19801

Peter J. Walsh, Judge (Recusal) United States Bankruptcy Court 824 Market Street Wilmington, DE 19899

Michael J. Lichty, Esq. Jill M. Farmer, Esq. TWA, Inc. Post Confirmation Estate P.O. Box 12247 Kansas City, MO. 64152

Colm Connolly Esq. United States Attorney Department of Justice 1007 North Orange Street Wilmington, DE 19801

and other said parties in interest -unknown

Upon penalty of perjury, I declare that the foregoing is true and correct.

Verify

Sworn before me and Execution:

Date.

Signature Herbert McMillian.

179-17 Anderson Road St. Albans, NY 11434

McMillian

(718) 723-4693

28th day of May

MICHAEL E. PEARSON Notary Public, State of New York No. 01PE6134402 alified in Queens County

Commission Expires October 3rd, 2009

